

To: MARINA F. Cunningham
860-527-0464

PCT Special Programs Office
US Patent & Trademark Office

RECEIVED

JAN 27 2003

McCormick, Paulding & Huber

Memo

To: Marina F. Cunningham
From: Paul Bell
Date: 1/27/03
Re: Copies of correspondence for 09/743,589

In reference to our telephone conversation last Friday, I am faxing you copies of all of our correspondence with you in this application.

There is a copy of:

- 1) Form PCT/DO/EO 905 NOTICE OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) mailed on 23 February 2001.
- 2) Letter of 17 April 2002 from Paralegal Specialist Jeremy Fleming regarding the status of this application.
- 3) FORM PCT/DO/EO/909 NOTIFICATION OF ABANDONMENT dated 26 April 2002
- 4) Decision letter, of 24 September 2002, from Attorney Advisor Erin Pender granting applicant's 28 May 2002 petition to revive this application.

Best regards

Paul Bell, PCT Special Programs Examiner 308-3543



UNITED STATES
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JAN 27 2003

McCormick, Paulding & Huber

PCT OPERATIONS

FACSIMILE TRANSMISSION COVER SHEET

DATE: 1/27/03

TO: Marina Cunningham

TELEPHONE: 860-549-5290
FAX NO.: 860-527-0464

FROM: Tammy Hollans for Francine Young

TELEPHONE: 703-305-5483
FAX NO.: 703-308-4785 OR 703-305-3230

MESSAGE: _____

NUMBER OF PAGES _____ (INCLUDING THIS PAGE)

mmd 1/30/03



Commissioner for Patents
Washington, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE RECD	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/743,589	01/24/2003	1731	565	6474-02WOUS	1	10	1

Marina F Cunningham
McCormick, Paulding & Huber LLP
Cityplace II, 185 Asylum Street
Hartford, CT 06103-3402

CONFIRMATION NO. 4089

FILING RECEIPT



Date Mailed: 01/27/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Elmgaard Birger Sorensen, Vejle, DENMARK;

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/DK99/00401 07/13/1999

Foreign Applications

DENMARK PA 1998 00933 07/14/1998

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Nits Separator

Preliminary Class

162

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 09/743,589	FIRST NAMED APPLICANT Elmgaard Birger Sorensen	ATTY. DOCKET NO. 6474-02WOUS
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INTERNATIONAL APPLICATION NO.

PCT/DK99/00401

I.A. FILING DATE	PRIORITY DATE
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07/13/1999

07/14/1998

CONFIRMATION NO. 4089

371 ACCEPTANCE LETTER

OC00000009431428*

Marina F Cunningham
 McCormick, Paulding & Huber LLP
 Cityplace II, 185 Asylum Street
 Hartford, CT 06103-3402

Date Mailed: 01/27/2003

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.494 OR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as an Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

01/24/2003

DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and
 (c)(4) REQUIREMENTS

01/24/2003

DATE OF RECEIPT OF ALL 35 U.S.C.
 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** *The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363).* Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- U.S. Basic National Fee
- Indication of Small Entity Status
- Assignee Statement
- Copy of IPE Report
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Preliminary Amendments
- Request for Immediate Examination
- Substitute Specification



Commissioner for Patents
Washington, DC 20231
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/743,589		Elmgaard Birger Sorensen	6474-02WOUS

CONFIRMATION NO. 4089

Marina F Cunningham
McCormick, Paulding & Huber LLP
Cityplace II, 185 Asylum Street
Hartford, CT 06103-3402

WITHDRAWAL NOTICE

OC00000009209386

Date Mailed: 01/27/2003

WITHDRAWAL OF PREVIOUSLY SENT NOTICE

The Notice of Abandonment mailed on 04/26/2002 was sent in error and is hereby withdrawn. A Filing Receipt is enclosed. The Office regrets any inconvenience the error may have caused.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20521
www.uspto.gov

U.S. APPLICATION NUMBER NO. 09/743,589	FIRST NAMED APPLICANT Elmgaard Birger Sorensen	ATTY. DOCKET NO. 6474-02WOUS
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INTERNATIONAL APPLICATION NO.
PCT/DK99/00401

LA FILING DATE 07/13/1999	PRIORITY DATE 07/14/1998
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Marina F Cunningham
Cityplace II 185 Asylum Street
Hartford, CT 06103-3402

CONFIRMATION NO. 4089

371
ABANDONMENT/TERMINATION
LETTER
CC00000007948978

Date Mailed: 04/26/2002

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as an Elected Office (37 CFR 1.495), has made the following determination:

- Applicant failed to respond to the notification of missing requirements (PCT/DO/EO/905) mailed on 23 February 2001

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

FRANCINE YOUNG

Telephone: (703) 305-3662

PART 3 - OFFICE COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)



UNITED STATES PATENT AND TRADEMARK OFFICE

APR 17 2002

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Marina F. Cunningham
MCCORMICK, PAULDING & HUBER LLP
CityPlace II, 185 Asylum Street
Hartford, CT 06103-3402

In re Application of
BIRGER HLMGAARD SORENSEN
Application No.: 09/743,589
PCT No.: PCT/DK99/00401
Int. Filing Date: 13 July 1999
Priority Date: 14 July 1998
Attorney's Docket No.: 6474-02WOUS
For: NITS SEPARATOR

Dear Ms. Cunningham:

This is in response to your communication received 11 March 2002 requesting the status of U.S. application 09/743,589. U.S. application 09/743,589 is abandoned. A response to the "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905 mailed 23 February 2001) is not of record in the application file. Attached is a copy of the Form PCT/DO/EO/905 for your convenience.

This application is being returned to the DO/EO for mailing of a "NOTIFICATION OF ABANDONMENT" (Form PCT/DO/EO/909).

Richard Cole
PCT Legal Examiner
PCT Legal Office

JSF/RC:jf

Jeffrey Fleming
Paralegal Specialist
PCT Legal Office

Tel: (703) 308-6154
Fax: (703) 308-6459

Attachment: Copy of Form PCT/DO/EO/905
mailed 23 February 2001.



24 SEP 2002 D

UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov

Marina F. Cunningham
 CityPlace II, 185 Asylum Street
 Hartford, CT 06103-3402

In re Application of	:	
SØRENSEN, Elmgaard Birger	:	
Application No.: 09/743,589	:	DECISION ON
PCT No.: PCT/DK99/00401	:	
Int. Filing Date: 13 July 1999	:	PETITION
Priority Date: 14 July 1998	:	
Attorney Docket No.: 6474-02WOUS	:	UNDER 37 CFR 1.181
For: NITS SEPARATOR	:	

This decision is in response to "Petition to Withdraw the Holding of Abandonment," filed with the United States Patent and Trademark Office on 28 May 2002.

BACKGROUND

On 13 July 1999, applicant filed international application PCT/DK99/00401. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 27 January 2000.

On 11 February 2000, applicant filed a Demand for international preliminary examination, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty month period for paying the basic national fee in the United States expired on 16 January 2001 (14 January 2001 was a Sunday and 15 January 2001 was a holiday).

On 11 January 2001, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 26 April 2002, the Office mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating that the above-identified application was abandoned for failure to respond to the Notification of Missing Requirements mailed 23 February 2001.

On 28 May 2002, applicant filed the instant "Petition to Withdraw the Holding of Abandonment," which was accompanied by, *inter alia*, a declaration and a docketing log.

On 09 July 2002, applicant faxed a copy of the above petition to the Office.

On 15 July 2002, applicant submitted a status request requesting the status of the petition accompanied by a copy of the petition.

Application No.: 09/743,589

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DISCUSSION

Applicant claims to have not received the 23 February 2001 Notification of Missing Requirements. A review of the file reveals that both the copy of the Notification and the original are in the file.


CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 26 April 2002 is **VACATED**.

The Notification of Missing Requirements with a mail date of 23 February 2001 is **VACATED**.

This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing, including preparation of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late furnishing of the oath or declaration are required.


Richard Cole
PCT Legal Examiner
PCT Legal Administration

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: 703-305-0455
Facsimile: 703-308-6459